

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 02/06/2003  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 12/10/2002.

TITLE: Scup Gear Restricted Area (GRA) Access Program  
Exemption Authorization

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE  
OMB NO.: 0648-0469  
EXPIRATION DATE: 02/28/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	144	5	0
Difference	144	5	0
Program Change		5	0
Adjustment		0	0

TERMS OF CLEARANCE: None

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OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of  
Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT  
SCUP GEAR RESTRICTED AREA (GRA) ACCESS PROGRAM  
EXEMPTION AUTHORIZATION**

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

Currently, as specified at 50 CFR 648.122, all otter trawl vessels fishing with mesh less than the minimum size required to fish for scup are prohibited from fishing for certain non-exempt species (*Loligo* squid, black sea bass, and silver hake (whiting)) in certain areas during certain times of the year, in what are referred to as Gear Restricted Areas (GRAs). The purpose of the GRAs is to reduce the bycatch of juvenile scup in small-mesh fisheries. The proposed rule would implement a Scup GRA Access Program Exemption Authorization to allow vessels to fish with small mesh for non-exempt species in the Scup GRAs, provided that they: (1) Possess a Scup GRA Access Program Exemption Authorization; (2) fish with a specially-modified escapement extension on the trawl net while fishing in a GRA; and (3) carry a National Marine Fisheries Service (NMFS)-certified observer. This collection of information involves calling NMFS and providing the applicant vessel's name to request a Scup GRA Access Program Exemption Authorization. This information is necessary so that NMFS Office of Law Enforcement is aware of which vessels are authorized to fish with small mesh for non-exempt species in the Scup GRAs when using modified trawl gear and carrying an observer.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with applicable NOAA Information Quality Guidelines.**

The information will be collected from respondents through telephone calls to NMFS Northeast Region Permits Office. The information regarding which vessels are authorized to fish with small mesh for non-exempt species in the GRA will be used by NMFS Northeast Region Sustainable Fisheries Division, NMFS Office of Law Enforcement, and the U.S. Coast Guard. The Sustainable Fisheries Division will use the information on the number of vessels that are considering fishing in the GRAs for analytical purposes. NMFS Office of Law Enforcement and the U.S. Coast Guard will use the information to ascertain whether a vessel is allowed to fish with small mesh for non-exempt species in the GRAs. The actual Exemption Authorization could be presented to the U.S. Coast Guard by the vessel operator upon boarding to demonstrate that the vessel has been authorized to fish in the GRAs under certain conditions and to assist the U.S. Coast Guard in determining whether the vessel is compliant with the terms and conditions of the Exemption Authorization. The information will be collected twice a year to correspond with the two seasonal GRAs (January 1 through March 15 for the Southern GRA and November 1 through December 31 for the Northern GRA). NOAA's Information Quality Guidelines do not apply because the intended distribution of the information to be collected will be only to Government employees or agency contractors.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

The collection of information will be limited to a telephone call to NMFS Northeast Region Permit Office to request the Exemption Authorization.

**4. Describe efforts to identify duplication.**

This is the only collection of information relating to the Scup GRA Access Program Exemption Authorization.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

The collection of information does involve small businesses or other small entities. By limiting the request for an Exemption Authorization to no more than two annual phone calls, NMFS has minimized the burden to the extent practicable. Keeping the program and the information collection relatively simple, yet enforceable, is one of the objectives of implementing the program. It is expected that all of the small entities affected will have ready access to a telephone, at minimal expense.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If this collection were not conducted, compliance with, and enforcement of, the terms and conditions of the Scup GRA Access Program Exemption Authorization would be compromised. This could result in increased scup mortality. The consequence could be the elimination of the Scup GRA Access Program Exemption Authorization, which would likely have an adverse economic impact on otter trawl vessels that want to fish with small mesh for non-exempt species in the GRAs. This program has been requested by the fishing industry to allow access to the GRAs under certain circumstances and to collect information the industry believes may lead to fewer restrictions on their activities in the future.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

This collection of information is consistent with OMB guidelines.

**8. Provide a copy of the Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and**

**record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A proposed rule is being published to solicit public comment.

The Scup GRA Access Program Exemption Authorization was recommended by the Mid-Atlantic Fishery Management Council at a public meeting on August 12, 2002. Many members of the fishing industry were present during discussion of the program and public comments were solicited. Although actual development and implementation of the program is the responsibility of NMFS, some type of an enrollment program was contemplated by the Council in a public forum.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

There are not any payments or gifts that will be provided to respondents, other than the opportunity to fish with small mesh for non-exempt species in the GRAs, provided that participants comply with the additional terms and conditions of the program.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NMFS may release such information in aggregate or summary form, such that individual identifiers are not disclosed (NOAA Administrative Order 216-100). Information such as the number of permit holders and what states they reside in is often provided in Fishery Management Plan regulatory amendments and supporting documents and to the public upon specific request.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There are no questions of a sensitive nature associated with this collection of information.

**12. Provide an estimate in hours of the burden of the collection of information.**

**# of Respondents** - No more than 72 vessels expected annually

**Frequency of Response** - Semi-annually

**Total number of Responses Expected** - 144

**Average Response Time per Respondent** - 2 minutes per vessel, twice a year

**Total Response Time in Hours for Collection** - 4 hours & 48 minutes per year

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.**

**Total Annualized Capital/ Start-Up Costs** - \$0.00 (respondents expected to have telephones)

**Total Annual Costs** - \$72.00 (72 respondents x 2 calls x \$0.50/call)

**Total Annualized Cost Requested** - \$72.00

**14. Provide estimates of annualized cost to the Federal government.**

**Quantification of Hours** - 144 responses x 15 minutes/response = 36 hours of labor costs  
36 Hours x \$20.00/hour = \$720.00/year

**Operational Expenses** - None (staff support and equipment are already available)

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

These are program changes resulting from new requirements.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

N/A.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

N/A.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

N/A.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

No statistical methods will be employed in this collection of information.



(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

**97-453, 99-659, 101-627, 102-251, 104-297**

**(b) DISCRETIONARY PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]\* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]\*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

**97-453, 104-297**

**(c) PROPOSED REGULATIONS.**--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.